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PPLICATION N	0.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/980,760		04/15/2002	Renato J. Recio	10003629-2	4255
22879	7590	03/16/2005		EXAMINER	
HEWLE	TT PAC	KARD COMPANY	LUU, LE HIEN		
P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION			ART UNIT	PAPER NUMBER	
FORT CO	FORT COLLINS, CO 80527-2400			2141	
				DATE MAII ED: 02/16/2004	•

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)					
Advisory Action	09/980,760	RECIO ET AL.					
Advisory Addon	Examiner	Art Unit					
	Le H Luu	2141					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address							
THE REPLY FILED 17 February 2005 FAILS TO PLACE Therefore, further action by the applicant is required to a final rejection under 37 CFR 1.113 may only be either: (1) condition for allowance; (2) a timely filed Notice of Appeal Examination (RCE) in compliance with 37 CFR 1.114.	oid abandonment of this application a timely filed amendment whic	ation. A proper reply to a h places the application in					
PERIOD FOR RE	EPLY [check either a) or b)]						
a) The period for reply expiresmonths from the mailin b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire I ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The fee have been filed is the date for purposes of determining the period of fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of (2) as set forth in (b) above, if checked. Any reply received by the Office timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.17(a) is calculated from: (1) the expiration date of (2) as set forth in (b) above, if checked. Any reply received by the Office timely filed, may reduce any earned patent term adjustment.	Advisory Action, or (2) the date set forth ater than SIX MONTHS from the mailing FILED WITHIN TWO MONTHS OF THE date on which the petition under 37 CF of extension and the corresponding amount the shortened statutory period for reply ce later than three months after the main attention and the corresponding amount of the shortened statutory period for reply the later than three months after the main attention and the corresponding amount of the shortened statutory period for reply the later than three months after the main attention and the shortened statutory period for reply the later than three months after the main attention and the shortened statutory period for reply the shortened statutory period for the shortened statutory period statutory period for the shortened statutory period statutory p	g date of the final rejection. HE FINAL REJECTION. See MPEP R 1.136(a) and the appropriate extension out of the fee. The appropriate extension originally set in the final Office action; or					
1. A Notice of Appeal was filed on Appellant's 37 CFR 1.192(a), or any extension thereof (37 CFR							
2.⊠ The proposed amendment(s) will not be entered because:							
(a) they raise new issues that would require further	er consideration and/or search (see NOTE below);					
(b) ☐ they raise the issue of new matter (see Note below);							
(c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or							
(d) they present additional claims without canceli	ng a corresponding number of f	inally rejected claims.					
NOTE:	Sam (a)						
 3. Applicant's reply has overcome the following reject 4. Newly proposed or amended claim(s) would canceling the non-allowable claim(s). 	· · 	eparate, timely filed amendment					
5.⊠ The a) affidavit, b) exhibit, or c) request for application in condition for allowance because: Se		idered but does NOT place the					
6. The affidavit or exhibit will NOT be considered becaraised by the Examiner in the final rejection.	ause it is not directed SOLELY	to issues which were newly					
7. For purposes of Appeal, the proposed amendment explanation of how the new or amended claims we	• • •	•					
The status of the claim(s) is (or will be) as follows:							
Claim(s) allowed:							
Claim(s) objected to:							
Claim(s) rejected: <u>2-25</u> .							
Claim(s) withdrawn from consideration:		_					
8. The drawing correction filed on is a) appl							
9. Note the attached Information Disclosure Statemer 10. Other:	nt(s)(PTO-1449) Paper No(s). ₋	Junhan					
		LE HIEN LUU PRIMARY EXAMINER					

Continuation of 5. does NOT place the application in condition for allowance because: Chiussi et al. teach increase presure factor (greater than 1) and fraction (less than 1) can be used to multiplicatively increase or decrease variable data transfer rate. In addition, Chiussi et al. teach cell loss and cell loss rate (col. 1 lines 14-54; col. 4 line 58 - col. 5 line 48).

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PRIMARY EXAMINER